

E-FILED ON 8/9/06

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

KLA-TENCOR CORPORATION,

No. C05-03092 RMW (HRL)

Plaintiff,

**ORDER DENYING REQUEST FOR
ORDER SHORTENING TIME ON
PLAINTIFFS' MOTIONS TO COMPEL**

v.

NATIONAL UNION FIRE INSURANCE OF
PITTSBURGH, PA and AIU INSURANCE
COMPANY,

Defendant.

On August 8, 2006, plaintiff KLA-Tencor Corporation ("KLA") filed two motions seeking to compel deposition testimony of Geni Krogstad and Joseph Cardinale. The parties stipulate that the motions be heard on shortened time by this court on August 29, 2006. However, the motions to compel indicate that Ms. Krogstad and Mr. Cardinale are percipient (not expert) witnesses. Pursuant to the case management schedule set by the District Court, fact discovery closed on May 15, 2006.¹ Accordingly, the last day to move to compel discovery was May 24, 2006, and KLA's August 8, 2006 motions to compel are untimely. See Civ. L. R. 26-2 ("Where the Court has set separate deadlines for fact and expert discovery, no motions to compel fact discovery may be filed more than 7 court days after the fact discovery cut-off . .

¹ Although the parties were given leave to complete previously noticed depositions by May 31, 2006, that extension of time was expressly not to be construed as an extension of the May 15, 2006 fact discovery cut-off for any other purpose. (See Stipulation and Order to Revise the Court's Case Management Scheduling Order, Docket No. 25).

1 .."). Moreover, it appears that summary judgment motions are set to be heard by the District
2 Court on August 18, 2006.

3 Accordingly, the request for an order shortening time is DENIED. The parties will need
4 to seek appropriate relief from the District Court with respect to the filing of motions to compel
5 discovery now.

6 IT IS SO ORDERED.

7 Dated: August 9, 2006


8
9 HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

5:05-cv-3092 Notice will be electronically mailed to:

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